

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANTHONY RAPP,

Plaintiff,

-against-

KEVIN SPACEY FOWLER a/k/a KEVIN SPACEY,

Defendant.

Case No. 1:20-cv-09586 (LAK) (SDA)

**DECLARATION OF CHASE A.
SCOLNICK IN SUPPORT OF
DEFENDANT'S MOTION *IN LIMINE*
NO. 4 TO PRECLUDE PLAINTIFF
FROM PRESENTING EVIDENCE
ABOUT OR REFERENCING DAWES
AND HOLTZMAN OR ANY OTHER
UNRELATED ALLEGED INCIDENT**

Under 28 U.S.C. § 1746, I, Chase A. Scolnick, declare under penalty of perjury, as follows:

1. I am a member of the Bar of the State of New York and the bar of this Court. I am also a partner of Keller / Anderle LLP, attorney for defendant Kevin Spacey Fowler a/k/a Kevin Fowler (“Mr. Fowler”). This declaration is made in support of Mr. Fowler’s Motion *in Limine* No. 4 to preclude plaintiff from presenting evidence about or referencing Justin Dawes and Andrew Holtzman or any other unrelated alleged incident. (“Motion *In Limine*”).

2. Attached as **Exhibit 1** to this declaration is a true and correct copy of selected pages from the Reporter’s Transcript of the Deposition of Justin Dawes, Volume I, taken in this action on December 28, 2021.

3. Attached as **Exhibit 2** to this declaration is a true and correct copy of selected pages from the Reporter’s Transcript of the Deposition of Justin Dawes, Volume II, taken in this action on February 10, 2022.

4. Attached as **Exhibit 3** to this declaration is a true and correct copy of an e-mail from Justin Dawes to Adam Vary at BuzzFeed, dated October 31, 2017, and marked as Deposition Exhibit 143 at the deposition of Justin Dawes.

5. Attached as **Exhibit 4** to this declaration is a true and correct copy of selected pages

from the Reporter's Transcript of the Deposition of Andrew Holtzman, taken in this action on January 7, 2022.

6. Attached as **Exhibit 5** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Anthony Rapp, taken in this action on February 3, 2021.

7. Attached as **Exhibit 6** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Expert Witness Elizabeth Loftus, taken in this action on December 22, 2021. Pursuant to the Court's September 26, 2022 Order re Sealing (ECF No. 238), Mr. Fowler has filed this exhibit under seal.

8. Attached as **Exhibit 7** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Kevin Spacey Fowler, taken in this action on January 17, 2022. Pursuant to the Court's September 26, 2022 Order re Sealing (ECF No. 238), Mr. Fowler has filed this exhibit under seal.

9. Attached as **Exhibit 8** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of Expert Witness Alexander Bardey, taken in this action on January 26, 2022. Pursuant to the Court's September 26, 2022 Order re Sealing (ECF No. 238), Mr. Fowler has filed portions of the transcript pages that comprise this exhibit under seal (with redactions in the publicly-filed version).

10. Attached as **Exhibit 9** to this declaration is a true and correct copy of selected pages from the Reporter's Transcript of the Deposition of William Brown, taken in this action on March 3, 2022.

11. Attached as **Exhibit 10** to this declaration is a true and correct copy of a BuzzFeed News Article, titled *A Patter Of Abuse: How Kevin Spacey Used The Closet To Silence His Victims*, written by Adam B. Vary, published on November 3, 2017.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 26, 2022
Irvine, California

Respectfully submitted,

/s/ Chase A. Scolnick

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CERTIFICATE OF SERVICE

In accordance with Local Rule 5.2, I, Chase A. Scolnick, hereby certify that on September 26, 2022 this document filed through the ECF system will be sent electronically to the registered participants as identified in the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Chase A. Scolnick
Chase A. Scolnick